

## ARTICLE 6

### BUSINESSES SELLING TANGIBLE PERSONAL PROPERTY OUT-OF-DOORS

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## ARTICLE 6

### BUSINESSES SELLING TANGIBLE

#### PERSONAL PROPERTY OUT-OF-DOORS

SEC. 6-6.00 DECLARATION OF POLICY AND PURPOSE. It is hereby declared to be in the public interest and in the interest of all of the residents of the City of Hayward that businesses dealing in tangible personal property shall keep their wares in buildings or within securely enclosed areas so as to reduce the hazards of fire, to prevent the spread of debris and waste matter to adjoining public and private places, to promote cleanliness and sanitation, to reduce the opportunities and temptations for thievery and burglary, to render private premises and places of danger inaccessible to children, to render places of concealment for immoral and criminal acts inaccessible, to reduce objectionable noises carrying to adjoining public or private places, and to prevent unsightliness resulting in the depreciation of property values and the comfortable enjoyment of life and property.

SEC. 6-6.10 GENERALLY. It shall be unlawful for any person to have or store or display any tangible personal property for sale, trade, or hire, at wholesale or retail, as a business, trade, or calling, at any time except during such hours as the premises where same is done or carried on are open for business, unless such tangible personal property shall be kept, stored, and displayed within a building erected and maintained in strict conformance to the requirements of the Building Code of the City of Hayward for such building, or unless same is done upon premises or a portion of premises which are entirely surrounded by a fence or wall. Such fence or wall shall be not less than six (6) feet nor more than eight (8) feet in height, and shall have no more than one opening upon or leading to any public or private street or way for each twenty-five (25) lineal feet of frontage upon said street or way, and each such opening shall be not more than twelve (12) feet in width and shall be equipped with a substantial gate. Each such gate shall be of the same height as such fence or wall and shall be kept securely closed when not being used, except that such gate as is used by the general public may be kept open during business hours but shall be securely closed otherwise. Such fence or wall and gate or gates shall be solid and tight or otherwise be so constructed as to prevent the passage of persons and animals and waste matter and debris, and shall be painted with a fire retardant paint if constructed of combustible materials.

SEC. 6-6.20 EXCEPTIONS. The foregoing provisions of this Article shall not apply to persons engaged in conducting the following businesses, trades, or callings, to-wit:

- a. Sale or hire of new or used motor vehicles, trailers and other vehicles.
- b. Sale of rock, sand, gravel, cement, and similar patio supplies.
- c. Newspaper and magazine distribution and displays and racks therefor.
- d. Vending machines
- e. Flower stands, floral shops, plant nurseries, and Christmas tree lots
- f. Businesses, trades, or callings having no fixed place of business

- g. Sales of limited duration not to exceed sixty (60) days where failure to comply with the foregoing provisions of this Article has been caused by fire, flood, or other calamity or accident, provided such sales are on the premises where same occurred or on adjacent premises.